

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN THE MATTER OF:

DENISE M HEINRICH,

DEBTOR.

CHAPTER 13

CASE NO. 10-60534-MBM

JUDGE MARCI B. MCIVOR

**TRUSTEE’S AMENDED OBJECTION TO THE PROOF OF CLAIM OF
CHRISTOPHER CAMPBELL ON BEHALF OF KELSEY R. CAMPBELL AND TREVOR
H. CAMPBELL (PACER CLAIM NO. 8-1)**

NOW COMES the Chapter 13 Standing Trustee in this matter, David Wm. Ruskin, and objects to the Proof of Claim filed by Christopher Campbell On Behalf Of Kelsey R. Campbell And Trevor H/ Campbell (collectively “Christopher Campbell”) (PACER Claim No. 8-1), and in support thereof states as follows:

1. The Proof of Claim filed by Christopher Campbell, Pacer Claim No. 8-1, states as the basis of the claim a “Ring”. The Proof of Claim asserts a total claim amount of \$30,000.00.

2. Creditor, Christopher Campbell, is the ex-spouse of debtor, Denise Heinrich. Creditors, Kelsey Campbell and Trevor Campbell are alleged to be the minor children from the marriage of Christopher Campbell and Kelsey Campbell.

3. On May 10, 2007, Christopher Campbell and Denise Heinrich entered into a marital settlement agreement. The marital settlement agreement provided, and pertinent part, “each party will keep his or her jewelry. Chris has delivered Denise’s jewelry to her, and she has acknowledged receipt. The special diamond ring shall be held by Denise, it’s valued to be used in some way for the benefit of the children in the future. Future decisions about the ring shall be made mutually, and sale must be mutually agreed.”

4. Pursuant to the terms of the marital settlement agreement, ownership of the “special diamond ring” passed exclusively to debtor, Denise Heinrich. Neither Christopher Campbell nor Kelsey Campbell and Trevor Campbell have any ownership interest and/or right to use, possess or control the “special diamond ring”. The Proof of Claim filed by Christopher Campbell does not allege that debtor has somehow sold or otherwise disposed of the “special diamond ring” nor used the ring in a way which is in anyway incompatible or inconsistent with the provisions of the marital settlement agreement.

5. The Proof of Claim filed by Christopher Campbell fails to allege that creditor has suffered any actual pecuniary injury or loss to support a claim filed in this Chapter 13 case. At most, debtor holds a contingent and un-liquidated claim which may or may not ripen into an actually pecuniary loss which would support a claim in this Chapter 13 case.

6. The Proof of Claim filed by Christopher Campbell alleges an amount of the claim of \$30,000.00. However, the Claim fails to attach any documentation to substantiate the value of the ring or the value of any loss suffered by Christopher Campbell as a result of the conduct of the debtor. The fair statement of Christopher Campbell alleges that the value of the ring “should be estimated at \$30,000.00” is insufficient to support a Proof of Claim in this case.

7. To the extent that the Proof of Claim filed by Christopher Campbell is intended solely to preserve Christopher Campbell's right to allege that any claim arising out of the marital settlement agreement is non-dischargeable pursuant to 11 U.S.C. Section 523(a)(5) or Section 523(a)(15), Trustee has no objection to allowing the claim for that limited purpose. However, Christopher Campbell is not entitled to disbursements on this claim in the Chapter 13 proceeding as Christopher Campbell fails to demonstrate any actual pecuniary loss or damage arising out of the conduct of the debtor in this case.

WHEREFORE, the Chapter 13 Standing Trustee prays that this Honorable Court disallow the Proof of Claim filed on behalf of Christopher Campbell On Behalf Of Kelsey R. Campbell And Trevor H/ Campbell (PACER Claim No. 8-1) on November 8, 2010 in its entirety, and grant any further and other relief as this Court deems equitable and just, including entering an Order absolving the Trustee from any duty to recoup disbursements previously made to Christopher Campbell On Behalf Of Kelsey R. Campbell And Trevor H/ Campbell.

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT
David Wm. Ruskin, Chapter 13 Standing Trustee

Dated: April 6, 2011

/s/ Thomas D. DeCarlo
DAVID WM. RUSKIN (P26803)
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
Telephone (248) 352-7755

UNITED STATES BANKRUPTCY COURT
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IN THE MATTER OF:

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CASE NO. 10-60534-MBM

JUDGE MARCI B. MCIVOR

(PROPOSED)

**ORDER DISALLOWING THE PROOF OF CLAIM OF
CHRISTOPHER CAMPBELL ON BEHALF OF KELSEY R. CAMPBELL AND
TREVOR H/ CAMPBELL (PACER CLAIM NO. 8-1)**

This matter came on for hearing upon the Objection to Proof of Claim filed by the Chapter 13 Standing Trustee pursuant to L.B.R. 3007-1 (E.D.M.), the Objection having been served with the Notice of Objection to Claim in accordance with the local bankruptcy rules, the requisite time for a response having passed, no response to the Objection having been timely filed and served, and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY ORDERED that the Proof of Claim filed on behalf of Christopher Campbell On Behalf Of Kelsey R. Campbell And Trevor H/ Campbell (PACER Claim No. 8-1) on November 8, 2010 in the amount of \$30,000.00 is disallowed;

IT IS HEREBY FURTHER ORDERED that to the extent that the Chapter 13 Standing Trustee has previously made disbursements to such Creditor, the Trustee shall not be obligated to recoup the same.

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN THE MATTER OF:
DENISE M HEINRICH,

DEBTOR.

CHAPTER 13
CASE NO. 10-60534-MBM
JUDGE MARCI B. MCIVOR

AKA or DBA (if any):

Address(es):
3434 BURBANK DR
ANN ARBOR, MI 48105-0000

Social Security Number(s):
XXX-XX-5022

Employer's Tax Identification (EIN) No(s). (if any):

**NOTICE OF OBJECTION TO CLAIM OF CHRISTOPHER CAMPBELL ON BEHALF OF KELSEY R. CAMPBELL AND
TREVOR H/ CAMPBELL (PACER CLAIM NO. 8-1)**

The Chapter 13 Standing Trustee has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to deny or change your claim, then on or before May 19, 2011, you or your lawyer must:

1. File with the court a written response to the objection, explaining your position, at:

U.S. Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Robert Reizner, 605 W. Michigan Avenue, Jackson, MI 49201-0000
David Wm. Ruskin, 26555 Evergreen Rd., Ste 1100, Southfield, MI 48076
CHRISTOPHER CAMPBELL ON BEHALF OF KELSEY R. CAMPBELL AND TREVOR H/
CAMPBELL, C/O DAVID HUTCHINSON, 106 N 4TH AVE, SUITE 201, ANN ARBOR, MI 48104

2. Attend the hearing on the objection, scheduled to be held on May 26, 2011, at 9:00 a.m., in Courtroom 1875, United States Bankruptcy Court, 211 W. Fort Street, Detroit, Michigan, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT
David Wm. Ruskin, Chapter 13 Standing Trustee

Dated: April 6, 2011

_____/s/ Thomas D. DeCarlo_____
DAVID WM. RUSKIN (P26803)
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
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**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTION TO THE PROOF OF
CLAIM OF CHRISTOPHER CAMPBELL ON BEHALF OF KELSEY R. CAMPBELL
AND TREVOR H/ CAMPBELL (PACER CLAIM NO. 8-1)**

I hereby certify that on April 6, 2011, I electronically filed the Trustee's Objection to the Proof of Claim of Christopher Campbell On Behalf Of Kelsey R. Campbell And Trevor H/ Campbell (PACER Claim No. 8-1) With (Proposed) Order Disallowing the Proof of Claim of Christopher Campbell On Behalf Of Kelsey R. Campbell And Trevor H/ Campbell (PACER Claim No. 8-1), Notice of Objection to Claim of Christopher Campbell On Behalf Of Kelsey R. Campbell And Trevor H/ Campbell (PACER Claim No. 8-1) and Certificate of Service with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

ROBERT REIZNER
605 W. MICHIGAN AVENUE
JACKSON, MI 49201-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

DENISE M HEINRICH
3434 BURBANK DR
ANN ARBOR, MI 48105-0000

CHRISTOPHER CAMPBELL ON BEHALF OF KELSEY R. CAMPBELL
AND TREVOR H/ CAMPBELL
C/O DAVID HUTCHINSON
106 N 4TH AVE, SUITE 201
ANN ARBOR, MI 48104

/s/ Gabrielle Zoldos
Gabrielle Zoldos
For the Office of the Chapter 13 Standing Trustee-Detroit
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
(248) 352-7755